

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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EMILIES PASTARIA LLC,

Plaintiff,

vs.

U.S. UNDERWRITERS INSURANCE  
COMPANY,

Defendant.

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CIVIL ACTION

NO. 2:22-cv-955

**NOTICE OF REMOVAL**

TO: Clerk of the Court  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, Defendant U.S. Underwriters Insurance Company (“U.S. Underwriters”) hereby removes this action from the Supreme Court of the State of New York, County of Suffolk, where this action is currently pending, and respectfully states as follows:

1. On or about February 1, 2022, Plaintiff Emilies Pastaria LLC commenced this action by filing a Summons and Verified Complaint against U.S. Underwriters in the Supreme Court of the State of New York, County of Suffolk, under Index No. 602018/2022. A true copy of the Summons and Verified Complaint is attached hereto as Exhibit A.

2. On or about February 10, 2022, Plaintiff served the Summons and Verified Complaint on U.S. Underwriters.

3. This Court has original jurisdiction of this case pursuant to 28 U.S.C. § 1332, and the action is removable to this Court pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

4. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is being filed within the 30-day time limit for removal.

5. Plaintiff Emilies Pastaria LLC is a limited liability company organized under the laws of the State of New York with its principal place of business in Suffolk County, New York. Ex. A, Complaint at ¶ 1.

6. Upon information and belief, all of the members of Plaintiff Emilies Pastaria LLC are residents of the State of New York.

7. Defendant U.S. Underwriters Insurance Company is a corporation organized and existing under the laws of the State of North Dakota with its principal place of business in Wayne, Pennsylvania.

8. Diversity of jurisdiction existed at the commencement of this case and continues to exist on the date of filing of this Notice.

9. Based on the allegations of the Verified Complaint, the amount in controversy in this case is in excess of \$75,000, exclusive of interest and costs. *See* Ex. A.

10. Venue is proper in this District because this action is currently pending in the Supreme Court of the State of New York, County of Suffolk, and because a substantial part of the events or omissions allegedly giving rise to the claim occurred in this District.

11. Pursuant to 28 U.S.C. § 1446(d), U.S. Underwriters will file a Notice of Filing of Notice of Removal with the Supreme Court of the State of New York, County of Suffolk.

Dated: February 22, 2022

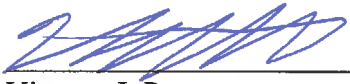
SAIBER LLC  
270 Madison Avenue  
New York, New York 10016-0603  
(646) 532-4646  
Attorneys for Defendant  
U.S. Underwriters Insurance Company

By: 

VINCENT J. PROTO

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on February 22, 2022, I electronically filed the foregoing Notice of Removal with the Clerk of the Court using the CM/ECF system. I further certify that I caused a copy of the foregoing Notice of Removal to be served upon Plaintiff's counsel, Evan Klestzick, Esq., McDonnell, Adels & Klestzick, PLLC, 401 Franklin Avenue, Garden City, New York 11530, by overnight delivery and via electronic mail at [eklestzick@maklawpc.com](mailto:eklestzick@maklawpc.com).

  
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Vincent J. Proto